



EEOC News

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
Seattle District Office

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AERO CONSTRUCTION TO PAY \$105,000 TO SETTLE DISABILITY DISCRIMINATION LAWSUIT BY EEOC

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Applicant with One Arm was Rejected Despite Prior Work Experience and Qualifications

SEATTLE – A federal judge has approved the settlement of an employment discrimination lawsuit brought by the U.S. Equal Employment Opportunity Commission (EEOC) against a Washington construction company that rejected a qualified and experienced job applicant with one arm due to his disability.

The EEOC's lawsuit in U.S. District Court for the Western District of Washington in Seattle (Civil Action No. CV04-0940-Z) charged that Pacific Commercial Equipment, Inc., doing business as Aero Construction, refused to hire an applicant with one arm for a heavy equipment operator position -- even though the applicant had successfully operated heavy construction equipment for over six years. Rather than attempting to verify what equipment the applicant could actually operate, the company manufactured reasons for denying him employment. The company then hired other non-disabled applicants as heavy equipment operators in the weeks afterwards. Aero Construction denied the EEOC's allegations.

As part of the settlement, Aero Construction agreed to pay the disabled applicant \$105,000; reaffirm its commitment to the laws prohibiting employment discrimination and retaliation; train managers and supervisors on compliance with the ADA; voluntarily provide information to the EEOC concerning its handling of disability discrimination complaints for a period of four years.

"The law requires employers to determine what job functions a person with a physical or mental disability can actually do, and not rely on assumptions or stereotypes about the person," said EEOC Seattle District Director Jeanette Leino. "Employers must remember that disability does not mean inability."

Acting Regional Attorney Kathryn Olson added, "We are pleased that the parties here were able to resolve this matter and that Aero Construction has voluntarily agreed to a wide range of measures to prevent future problems. This case should remind employers that they must make individualized assessments of individuals with disabilities when making hiring decisions."

EEOC SETTLES DISABILITY DISCRIMINATION SUIT AGAINST CONSTRUCTION COMPANY - Page 2

The EEOC's Seattle District Office has enforcement jurisdiction for Washington, Oregon, Alaska, and Idaho. In addition to enforcing Title I of the Americans with Disabilities Act, which prohibits employment discrimination against people with disabilities in the private sector and state and local governments, the EEOC enforces the Title VII, which prohibits employment discrimination based on race, color, religion, sex or national origin, Age Discrimination in Employment Act; the Equal Pay Act; prohibitions against discrimination affecting individuals with disabilities in the federal government; and sections of the Civil Rights Act of 1991. Further information about the Commission is available on the agency's web site at www.eeoc.gov.

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